



Frequently Asked Questions

Electronic Mail and Official Records

May 2002

E-Mail as a Record....

Q: When are e-mail messages records?

A: Treat e-mail messages the same way you treat paper correspondence. A message is a record if it documents the TMA mission, provides evidence of a business transaction, and if you or anyone else would need to retrieve the message of official actions.

Q: Do I have to manage incoming and outgoing e-mails as records?

A: Yes. Apply the standard described above to both incoming and outgoing e-mail. Both sender and recipient of e-mail messages have the responsibility to document their activities and those of their organizations. Both the sender and the recipient have to determine whether a particular e-mail message is a necessary part of that documentation.

Q: Are e-mail systems reliable enough for transmitting official messages?

A: Yes. E-mail systems are highly reliable for transmitting messages. However, you should use e-mail for business only when you are reasonably sure that the message will not be altered after transmission. Consider the nature and sensitivity of the message, the technology involved, and the persons with whom you communicate when you decide to use e-mail for business.

Q: How can e-mail be an official record if it is not signed?

A: A signature does not make something a record. Many types of records, such as manuals, photographs, and maps, do not contain signatures, but they can still be records.

Q: If an e-mail record is sent to several recipients, which copy is the official record?

A: It depends. Different copies of the same message may be records. If you take any official action related to a message, and the message is needed for adequate and complete documentation of the action, the message would be a record in your office, regardless of whether copies are retained elsewhere. If you receive a message only for information and do not take action related to it, your copy would not be a record.

Q: If I'm working on draft material, is it sufficient for me to save just my last draft?

A: In some cases the last draft may be sufficient, and in other cases not. Follow your office's policy concerning what drafts you must keep.

Q: Do these guidelines apply to TMA contractors?

A: Yes. These guidelines apply to TMA contractors and other agents, as well as TMA employees. Contract terms should ensure that contractor systems satisfy legal requirements for creating and maintaining adequate and complete records of TMA transactions when those transactions are carried out by contractors.

Retaining the Complete E-Mail Message

Q: Are there special requirements for retaining e-mail messages as records?

A: The basic requirements that apply to all records apply to e-mail records as well. However, there are some specific requirements for records made or received through e-mail. You should make sure that:

1. The e-mail record includes transmission data that identifies the sender and the recipient(s) and the date and time the message was sent and/or received;

2. When the e-mail is sent to a distribution list, information identifying all parties on the list is retained for as long as the message is retained; and
3. If the e-mail system uses codes, or aliases, to identify senders or recipients, a record of their real names is kept as long as any record containing only the codes or aliases.

Q: Why is it necessary to keep the transmission data about the sender, receiver, date and time of the e-mail?

A: You would not delete the names of the sender and addressee, the date, or a time stamp from a letter on paper. The data identifying the sender and recipient(s), the time and data the message was sent, and, on the recipient(s) copy, the time and date it was received are equally essential elements that constitute a complete e-mail record.

Q: What about attachments to an e-mail message? Do I have to keep them as well?

A: Yes. If a message qualifies as part of the documentation of your activities, you need to make sure that all related items that provide context for the message are maintained as well. This includes attachments. You would keep them under the same conditions that you would if they were paper attachments to a paper memo or incoming letter.

Q: If my outgoing message is a record, should I ask for a return receipt to make sure that the person I sent it to got it?

A: It is not necessary to ask for a return receipt or read receipt in e-mail any more than it is necessary in hard copy. We don't send all letters certified mail. If it is important to document for the record the time that a message was opened, then that receipt must be retained along with the message for as long as the message is retained. You also need to have some means of linking the receipt to the message so it is clear what outgoing message the receipt documents.

Q: Do I need to retain both the original message and the reply?

A: The requirement is to create and maintain an understandable record documenting activities. Some replies to e-mail messages contain enough information from the original message that they can stand on their own, but most do not. The simplest way to ensure understandability of e-mail messages that will become part of the record is to incorporate the original message and any reply and maintain them as a unit. If e-mail is sent back and forth and the most recent message has the entire sequence of messages, you need to keep only the final message (including the previous messages and replies) as long as it also contains attachments and other data such as the sender, receiver, date, and time, that are necessary for a complete record.

Maintenance and Retention of E-Mail Messages

Q: How long do I need to keep e-mail records?

A: Retain e-mail records in accordance with your office's file plan and the Administrative Instruction 15 (AI-15) records schedule. The exact length of time will vary depending upon the activity that the message documents.

Q: What if the message does not qualify as a record?

A: Delete e-mail that is not a record as soon as possible.

Q: Where do I keep e-mail messages?

A: E-mail records must be saved to an appropriate records keeping system. Currently TMA does not have an electronic records management system. Therefore, e-mail records must be printed off and filed like paper records IAW the AI-15.

Q: Does this mean that I need to print out all my e-mail messages?

A: No. First of all, not all e-mail messages will qualify as records. Only those e-mail messages that meet the criteria as a record should be

printed out and filed in your office files IAW AI-15.

Q: Can I keep e-mail records in the e-mail system?

A: No. Once you determine that an e-mail message is an official record, you should print it off and file it like any other paper record.

Q: Can e-mail records be kept on backup tapes or disks?

A: No. Backup tapes/disks are created to facilitate restoration of a system or file in case of an accidental or unintentional loss. Backup tapes/disks do not meet the requirements of a records management system.

Q: Do I need to retain both an electronic and hard copy for the same e-mail message?

A: No. If the message is a record, it is printed off and filed IAW AI-15. If it is a non-record, then it can be deleted.

Access to E-Mail Messages

Q: Does FOIA apply to e-mail messages?

A: Yes, e-mail is subject to the FOIA, and its release is subject to the same FOIA exemptions that apply to other agency records.

Q: What do I do about e-mail messages that contain sensitive information, such as classified, proprietary or Privacy Act information?

A: If you receive e-mail containing sensitive information, apply the same standards and precautions to that e-mail containing sensitive information as you would to the same information in any other medium.

What About the Future?

Q: Will we ever have an easy way to maintain e-mail records electronically?

A: Electronic management of records is not easy at this point.

When Determining if an E-Mail is a Record, Ask Yourself These Questions . . .

- ✓ Did I originate the message and does it have to do with the business of my office?
- ✓ Am I the originator of the message?
- ✓ Is it substantive or just chit-chat?
- ✓ Does it have to do with the work of my office?
- ✓ Is the content of the message something that I will need in future years to do my work?
- ✓ Does the message support decisions that were made in my program area?
- ✓ If I am the recipient, is the message "information only"?
- ✓ Does the message require **me** to take **action**?
- ✓ Is the message needed for operational, legal, fiscal, historical or research purposes?

Use resource thought processes as you do with other things that cross your desk.

Be Selective!